THE HONOURABLE SRI JUSTICE
GODA RAGHURAM
AND
THE HONOURABLE SRI JUSTICE
S.ANANDA REDDY

WRIT PETITION No. 20889 of 2003

Dated: 19-9-2007

Between:

Korrapati Varaprasad

…Petitioner

and

High Court of A.P., rep. by its
Registrar Administration,
High Court of Judicature,
Hyderabad and others

…Respondents

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Order: (Per Goda Raghuram, J)

By an order of the 2nd respondent dated 17-1-2001 the petitioner's representation for seniority over the 3rd respondent was rejected. He preferred an appeal to the 1st respondent. The appellate authority by the order dated 10-1-2003 rejected the appeal. Hence the writ petition.

The relevant facts:

The petitioner was appointed as a Lower Division Clerk in the Guntur District Judicial unit on compassionate grounds on of the demise in office of his father Sri K.Subramanyam, Deputy Nazir, on 4-4-1987. Later, by the proceedings of the 2nd respondent dated 7-10-1999 the services of several individuals who were initially appointed on temporary basis as Lower Division Clerks were regularized including of the petitioner. The petitioner's service in the category of Lower Division Clerk was regularized with effect from 4-4-1987 (the date of his initial temporary appointment as such).

The grievance of the petitioner in his representation to the respondents 1 and 2 and in this writ petition is that his claim for promotion to the post of Upper Division Clerk (UDC) was not considered and that his junior the 3rd respondent was preferred for such promotion.

The 3rd respondent joined service in the Kadapa District Judicial unit as a Lower Division Clerk on

26-11-1965 and was transferred in that capacity to the Guntur unit and joined thereat on 11-4-1987, seven days subsequent to the petitioner's initial appointment as Lower Division Clerk in the

Guntur unit. He was an approved probationer in the L.D. category in Kadapa District as on the date of such transfer. In the list of approved probationers in the Guntur unit's gradation list, as in the year 1993 the 3rd respondent was figured at Sl.No.15. He was promoted as UDC on that basis. Though the petitioner was initially appointed as LDC on a temporary basis with effect from

4-4-1987, his service was later regularized with effect from

4-4-1987 in the L.D. category. Therefore, the petitioner cannot claim seniority over the 3rd respondent who was an approved probationer even by the date of the petitioner's initial temporary appointment as L.D. clerk. The petitioner's claim for promotion to the category of UDC over the 3rd respondent on the ground that the 3rd respondent is junior to him, must therefore fail. The petitioner's claim has, therefore rightly been rejected by the 2nd respondent and rightly confirmed by the 1st respondent.

There are no merits. The writ petition is thus dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

19th September, 2007

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S. ANANDA REDDY, J

GRR